

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

TONY MCRAE CANADAY,

Petitioner,

vs.

UNITED STATES OF AMERICA,

Respondent.

ORDER AND
MEMORANDUM DECISION
STAYING CASE
PENDING SUPREME COURT'S RULING
IN BECKLES V. UNITED STATES

Civil Case No. 2:16-cv-336-TC
Criminal Case No. 2:15-cr-10-TC

Before the court is the United States' Motion to Stay Pending Supreme Court's Ruling. In light of the United State Supreme Court's grant of certiorari in Beckles v. United States, S. Ct. No. 15-8544, cert. granted, 579 U.S. ___, 2016 WL 1029080 (June 27, 2016), and the Tenth Circuit's decision to abate proceedings and toll briefing on the merits in United States v. Rollins, 10th Cir. No. 15-1459, this court finds that it is appropriate to stay further proceedings on Petitioner's § 2255 motion until the United States Supreme Court issues its opinion in Beckles. Accordingly, the United States' Motion to Stay (Docket No. 6) is GRANTED.

IT IS HEREBY ORDERED that further proceedings on Petitioner Tony McRae Canaday's § 2255 motion are STAYED until the United States Supreme Court issues its opinion in Beckles. Any briefing and filing deadlines previously set by the court related to Mr. Canaday's § 2255 motion are STRICKEN.

IT IS FURTHER ORDERED that, within fourteen days of the United States Supreme

Court issuing its decision in Beckles, both parties shall file a status report notifying the court of the United States Supreme Court's decision. In accordance with the District of Utah's Standing Order 16-002, "[w]hen precedential rulings [such as a United States Supreme Court decision in Beckles] are entered that resolve issues for the cases within a given category, the Federal Defender's Office will either move to withdraw similar pending motions or will supplement them with a more detailed pleading, asking that the stay be lifted and fully explaining the Johnson claim." Counsel for Petitioner should follow the same course. If a motion to lift the stay is granted here, this case and its briefing schedules will be governed by Standing Order 16-003.

DATED this 5th day of August, 2016.

BY THE COURT:


TENA CAMPBELL
U.S. District Court Judge